

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JOHN RESTIVO and DENNIS HALSTEAD,	: Case No. 16 CV 2492 (JS) (SIL)
Plaintiffs,	:
v.	:
	: <b>DEFENDANTS' NOTICE OF</b>
NASSAU COUNTY, a municipality; NASSAU COUNTY	: <b>MOTION TO DISMISS</b>
ATTORNEY'S OFFICE; CARNELL FOSKEY, in his	:
official capacity; LISA LOCURTO; ESTHER MILLER;	:
ROBERT F. VAN DER WAAG; SONDRAM.	:
MENDELSON; LIORA BEN-SOREK; and MICHAEL	:
FERGUSON,	:
Defendants.	:
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TO:

NEUFELD SCHECK & BRUSTIN, LLP  
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PLEASE TAKE NOTICE that upon the annexed declaration of Eliza M. Scheibel, Esq., dated March 22, 2017; the exhibits annexed to the Scheibel Declaration; the accompanying memorandum of law, dated March 23, 2017; and upon all the prior proceedings herein, defendants Nassau County, Nassau County Attorney's Office, Carnell Foskey (sued in his official capacity only), Lisa LoCurto, Esther Miller, Robert F. Van Der Waag, Sondra M. Mendelson, Liora Ben-Sorek, and Michael Ferguson, by their undersigned attorneys, will move this Court, before the Hon. Joanna Seybert on June 5, 2017, or on such other date as the Court may determine, for an order, pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil

Procedure, granting the defendants' motion to dismiss the complaint with prejudice, and for such other, different and further relief as the Court in its discretion may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the briefing schedule set forth by the Court, opposition to the motion must be filed on or before May 8, 2017 and reply papers must be filed on June 5, 2017.

Dated: White Plains, New York  
March 23, 2017

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP  
Attorneys for Defendants

/s/ Eliza M. Scheibel  
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